

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 10618 of 2004

Between:

Balla Lakshmana Rao, S/o.Nageswara Rao,
R/o.Indira Nagar, near S.P.Bangalow,
Vizianagaram,Dist.

..... PETITIONER

AND

- 1 The Dist.Collector,Vizianagaram Dist. Vizianagaram.
- 2 The Vizianagaram Municipality, Vizianagaram.rep.by its Commissioner.
- 3 The Vizianagaram Municipalilty, Vizianagaram rep.by its Engineer,Grade-I,Viz.
- 4 The Vizianagaram Municipality, Vizianagaram, rep.by its Dy.Executive Engineer,Viz.
- 5 The Vizianagaram Municipality, Vizianagaram,rep.by its Asst.Engineer,Viz.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus, or any other appropriate writ, to direct the respondents to finalize the bill amount of Rs.12,16,817/-as per M-Book i.e.1/02-03 A.E.Electrical Engineer, Vizianagaram Municipalilty, Vizianagaram, and pay an amount of Rs,10,66,817/- (12,16,817-1,50,000) to the petitioner forthwith.

Counsel for the Petitioner:MR.METTACHENDRA SEKHAR RAO

Counsel for the 1st Respondent: GOVERNMENT PLEADER FOR REVENUE

Counsel for Respondent Nos.2 to 5: MR.DANTU.SRINIVAS

The Court made the following order at the stage of admission :

ORDER:

No representation on either side. I have gone through the papers.

The petitioner, who was awarded the work for maintenance of street lights of 36 wards, for a period of 12 months from 15-04-2002 to 14-04-2003, states that he successfully completed the entrusted work. For the subsequent period, the Municipal Council passed a resolution, dated 16-04-2003, extending the petitioner's contract until finalization of next tenders, on the same terms and conditions. Accordingly, he completed the same within a period of 11 months 5 days. The 5th respondent measured the execution of work and noted the same in M.Book, but, only an amount of Rs.1,50,000/- out of the total bill amount of Rs.12,16,817/-, was paid. In spite of several requests, the balance due amount has not been paid to the petitioner. In view of the same, the petitioner filed the present writ petition for payment of the balance amount due under the contract.

It is well settled that a writ petition for recovery of the money, out of execution of the contract work, cannot be entertained. The proper remedy for the petitioner is to file a civil suit against the Corporation for recovery of the due amounts, if any.

In view of the same, the writ petition is dismissed. No order as to costs.

(A.GOPAL REDDY,J)

Dated:21..09..2004

Gj

To

- 1 The Dist.Collector,Vizianagaram Dist. Vizianagaram.
- 2 The Commissioner, Vizianagaram Municipality, Vizianagaram.
- 3 The Engineer, Grade-I, Vizianagaram Municipalilty, Vizianagaram
- 4 The Dy.Executive Engineer,Vizianagaram Municipality, Vizianagaram.\
- 5 The Assistant Engineer, Vizianagaram Municipality, Vizianagaram.
- 6 Two C.Cs. to the Government Pleader for Revenue, High Court of Andhra Pradesh, Hyderabad, (OUT)
- 7 Two C.D. copies.